

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DWAYNE KEITH CRAWFORD,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 16-2148
	§	
	§	
INTERNAL REVENUE SERVICE,	§	
et al.,	§	
	§	
Defendants.	§	

MEMORANDUM AND RECOMMENDATION

On October 13, 2016, the court entered the following order:

The court has reviewed Plaintiff's complaint and finds that it fails to state its *statutory* jurisdictional basis. Merely mentioning in passing the court's "Special Equity" jurisdiction, 26 U.S.C. § 7433, and Federal Rule of Civil Procedure 65 are insufficient. Further, Plaintiff is notified that he may not make a special appearance in federal court and may not represent the Estate of Elmer Conrad Carroll Jr. or Pickup Equipment, Inc., if he is not a licensed attorney, even if he is the appointed executor of the Estate.

After reading Plaintiff's complaint several times, the court remains in the dark about (1) what the Internal Revenue Service did, (2) to whom, and (3) how Plaintiff has been harmed.

It is therefore **ORDERED** that Plaintiff file within ten days from receipt of this order, an amended complaint that properly invokes the court's jurisdiction and adequately states a claim for relief. If Plaintiff is a licensed attorney, he must include his bar number on the amended complaint. If Plaintiff is not an attorney, he may only bring an action on his own behalf for his own personal damages, and may not seek relief on behalf of any other person or entity.

See Doc. 5, Ord. Dated Oct. 13, 2016.

To date, substantially more than ten days has elapsed and

Plaintiff has failed to amend his complaint as ordered. Accordingly, it is **RECOMMENDED** that this action be **DISMISSED** without prejudice for want of prosecution.

The Clerk shall send copies of this Memorandum and Recommendation to the plaintiff who has fourteen days from the receipt thereof to file written objections thereto pursuant to Federal Rule of Civil Procedure 72(b) and General Order 2002-13. Failure to file written objections within the time period mentioned shall bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

The original of any written objections shall be filed with the United States District Clerk electronically. Copies of such objections shall be mailed to opposing parties and to the chambers of the undersigned, 515 Rusk, Suite 7019, Houston, Texas 77002.

SIGNED in Houston, Texas, this 6th day of December, 2016.



U.S. MAGISTRATE JUDGE